Previous references.

File No. 259
of 1904-05

1904

(III Courts)

Later references.
Cts file 210-05 Ss 1 to 6.
Cts 308-05 Ss 13-15
B. 7 Feb. 1907
Cts 153-09-5709.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-8

PART B FOR June 1905

SUBJECT.

Surrender of Arthur Balthazar, accused of the offences punishable under Sec 420. I.P.C.

FILE No. 259 of 1904-05.

Surrender of one Arthur Balthazar, accused of the offence punishable under Section 420, Indian Penal Code.

1 From the District Magistrate of Mysore, No. 874, dated the 11th April 1905.

Submits an application for an extradition warrant for the surrender of the accused now undergoing sentence in the Presidency Jail at Calcutta, together with the record of preliminary enquiry held in the case and a memo of evidence recorded.

2 To the First Assistant to the Hon'ble the Resident in Mysore, No. Pl. 883, dated the 20th April 1905.

Forwards the records and requests him to issue an extradition warrant to the Superintendent of the Presidency Jail at Calcutta for the surrender of the accused to the Superintendent of Police, Bangalore District, on the accused's release from the said Jail.

3 To the District Magistrate, Mysore, No. J. 3308, dated the 18th May 1905.

Enquires whether the accused should be handed over for trial for the offence committed in Mysore even before his release from the Presidency Jail at Calcutta.

4 From the District Magistrate, Mysore, No. 1057, dated the 20th May 1905.

States that the accused may be surrendered after his release from the Presidency Jail at Calcutta.

5 From the Dewan of Mysore to the First Assistant Resident in Mysore, D. O., dated the 31st May 1905.

States that there is no need for the accused's surrender before he completes his term of imprisonment, and requests that the probable date of the accused's release may be informed.

6 From the First Assistant Resident in Mysore, to the Dewan of Mysore, D. O., dated the 14th June 1905.

States that the accused was released on the 22nd May 1905, and that as his whereabouts are unknown, there seems no use moving further in the matter: that the Commissioner of Police, Calcutta, has been wired to keep the accused under observation if his whereabouts are known: that it is useless to issue a warrant for the arrest of a convict *on his release* unless it is known that that event will take place within a reasonably short time, and suggests that in future where immediate extradition of a convict is not wanted, but only his arrest on release, the probable date of his release should be previously ascertained and communicated in the application for extradition.

7 To the District Magistrate of Mysore, No. J. 3644—C. 259-7, dated the 20th June 1905.

States that the First Assistant to the Hon'ble the Resident intimates that the accused was released on the 22nd May 1905, and that, as his whereabouts are not known, there is no use moving further in the matter at present.

8 To the District Magistrate and the Inspector General of Police in Mysore, Government Proceedings No. J. 3645-53—C. 259-8, dated the 20th June 1905.

Observes that where the immediate extradition of a British convict, accused of an offence in Mysore is not required, but only his arrest on release, the probable date of his release should in future be invariably ascertained and inserted in the application for extradition.

(326)

G. R. S. 11] 1904

GENERAL AND REVENUE SECRETARIAT.

(Bombay)

NOTES.

File No. 259

FILE HEADING.

Surrender of one ~~xx~~ Arthur Balthazar, accused of the offence punishable under Sec 420, I.P.C.

From

The District Magistrate of Mysore

No. 874 Dated 11/4/05 Received 14/4/05

Diary No. 3450	Enclos. 1 & 1 fds. Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Submits an application for an extradition warrant for the surrender of the accused, now undergoing sentence in the Presidency jail at Calcutta, to the Supdt of Police of the Bangalore District.

NOTES AND ORDERS.

Submitted with a draft to the Advocate General

25/4/05

18/4/05 The accused is said to be an Armenian and does not seem to come within the definition of "European British Subject" as defined in ~~the~~ the Cr. Pro. Code.

See

Notes—First sheet.

MGCPB—25,000—18-8-04

G.R.S. 12]
General and Revenue Secretariat.

File No. 25 of 190 4

Serial No. 2

To The J Asst Mr Bd 863 of 25/4/05

Requests him to issue a warrant to the Supdt of the Dist jail at Calcutta for the surrender of the accused & his release from his said jail to the Supdt of Police, Bongaon Divn.

3 Information may kindly be ascertained whether under section 11 of the Indian Extradition Act, 1903, it is desired that Pulkar Balthazar should be handed over to the Mysore Govt for trial for the offence committed in Mysore even before his release from the Calcutta jail, on condition that he is prosecuted to the British authorities for undergoing the un-expired portion of the current sentence. The Resident may have asked for this information.

Secd to Secy

Rec 15.5

6545 To Branch III 17.5.1905

4 Draft to Mr. Maffi. Let me see a/c to the file of correspondence we had some time ago regarding S.11 of the Extradition Act.

5 Draft sent with the file called for.

Rec 18/5/05

17/5/05

17/5/05

17/5/05

17/5/05

NOTE—Contn. sheet.

MGCPB—20,000—1-11-04.

G.R.S. 12]
General and Revenue Secretariat.

File No. 257 of 1904

Serial No. 3

1. The Dist Magte of Mysore. No J 3308/18/5/05
Enquires whether the accused should be handed over for trial for the offence committed in Mysore even before his release from the Presidency jail at Calcutta.

4. From the District magte. Mysore No. 1057/J/20/5/05
States that the accused may be surrendered after his release from the Presidency jail at Calcutta.

Sd/ The information was called for by the Asst Secretary with the Dewan
Sd SV 23/5/05 Sd/ Secy. may this be intimated to the Resident. The Asst Secy to the Dewan says that the Residency wants this information. But their letter is not here

23/5/05

As the Residency letter referred to is not with us this may be submitted to the Asst Secy with the Dewan Saheb

25.5.1905

25/5/05

6879

6. File returned. A D. a reply has gone to the Asst Resident is enclosed.

31.5.05

2.6.1905

G.R.S. 12]
General and Revenue Secretariat.

File No. 254 of 190 4

Serial No. 6

Dy. No. 2/Misc 14th June 1905 from the 1st Asst Resident to the Dewan.

States that the accused was released on the 22nd May 1905: that as his whereabouts are not known there seems no use moving further in the matter at present: that the Commr of Police, Calcutta, has however been wired to keep the accused under observation if his whereabouts are known: that it is useless to issue a warrant for the arrest of a convict on his release unless it is known that that event will take place within a reasonably short time and suggests that in future when immediate extradition of a convict is wanted both of his arrest on release, the date of his release should be previously ascertained and communicated in the application for extradition.

Perhaps the 1st para may be communicated to the District Magistrate, Mysore - A formal order on the lines suggested by the 1st Asst Resident is perhaps necessary.

Submitted accordingly with a draft for approval or for other orders

JKS
17/6/05

Seen
18/6

Approved
18/6/1905.

MGCPB—20,000—1-11-04.

G.R.S. 12]
General and Revenue Secretariat.

Cf File No. 259 of 1904-05

Serial No.

7 2 the District Magistrate Bellary No J 3644/C 253-7 of the 25th June 05

Reads the 1st letter to the Govt. Secretariat that the accused was released from the Calcutta Presidency Jail on the 21st May 05, & that as his whereabouts are not known at present there is no necessity having further in the matter at present

8 Govt Proc No J 3645-53/C 253-8 of the 20th June 05 to the District Magistrates & the Superintendent Police.

Observes that where the immediate extradition of a person accused of an offence in Mysore but undergoing imprisonment in British India is not required but only his arrest on release, the probable date of release should in future be invariably ascertained & inserted in the application for extradition

NOTE—Contn. sheet.

MGCPB—50,000—17-2 05

Cons 111 mull 14/4/05 £2150

1905

From H H Sparks Esqr
District Magistrate
Mysore

To
B. Venkatavaradaengar Esqr
Secretary to the Govt of Mysore
General & Rev Departts

Dated 11th

Despatched April 1905

Received

General No. 874

No.

Enclosure No. 1 tele.

Submits an application for an extradition warrant for the surrender from Arthur Balthazar undergoing sentence in the Presidency Jail at Calcutta

No 874
Extn

Deputy Commissioner's Office,
Mysore District,
Dated Mysore, 11th April 1905

To

B.K.Verkata Varada Iyengar Esquire,
Secretary to the Government of His Highness
the Maharaja of Mysore, General and Rev:
Department, B a n g a l o r e .

Sir,

I have the honor to submit herewith an application for an Extradition warrant for the surrender of one Mr. Arthur Balthazar charged with an offence under section 420 I.P.C. He is reported to have been undergoing sentence in the Presidency Jail at Calcutta convicted for a similar offence there. A memo of evidence together with the preliminary records of enquiry is enclosed herein for perusal.

I have the honor to be,
Sir,
Your most obedient servant.

District Magistrate,
Mysore District.

Application for a warrant under Sch XV of 190

Name and description of the person	The Magistrate of the District who may be required to be found	Officer to whom the warrant should be issued.
Mr Arthur Balfour Clayton of the firm of Arthur Clayton & Co General Merchants and Agents, Calcutta	District Magistrate Nagpore District	Superintendent, Paradeen Jail at Calcutta

Where or under what custody the accused persons are supposed to be	Undergoing imprisonment in the Paradeen Jail at Calcutta.

Nagpore
Dated 11th April 1905

Cheating and thereby dishonestly inducing delivery of property punishable under Section 420 of the Indian Penal Code.	Name of the offence Committed and Section of the Indian Penal Code under which the accused are charged
Superintendent of Police Bangalore District	Officer to whom the accused should be surrendered.
Bangalore	Place at which the accused should be delivered up
The accused is said to be an Armenian.	Are the accused British Subjects or Subjects of Mysore or to what State do they belong

In the Indian Extradition Act

Yours

Assistant

District Magistrate

Mysore

3
sl no 2
File No 259

Pol

No. 883

One / file of records.

OFFICE OF THE GOVT. OF H. H. THE MAHARAJA OF MYSORE.
GENERAL & REVENUE SECRETARIAT,
Dated, Bangalore, 20-4-1905.

From

The Secretary to the Government of H. H. the Mahàràja of Mysore.

To

The First Assistant to the Honorable the Resident in Mysore.

SIR,

In forwarding herewith ~~copy of letter No. dated 190~~ from the ~~District Magistrate of~~ as also the record ...pertaining ...in original (to be obligingly returned when no longer required), in Criminal Case No. 3 of 1904-05 on the file of the District magistrate ~~Commissioner and Class Magistrate of the~~ of Mysore in which one Mr Arthur Balthazar ~~Native of~~, an Armenian ~~by caste~~ is charged with the offence of Cheating & thereby dishonestly inducing delivery of property together with a memo of evidence recorded in the case punishable under Section 420 of the I. P. Code, I am directed to request that an extradition warrant may be kindly issued to the ~~District Magistrate of~~ Superintendent of Presidency jail at Calcutta, for the surrender of the said accused ~~to the~~ on his release from the ~~Police~~ jail ~~at Calcutta~~ where he is now undergoing sentence of imprisonment, the Inspector of Police of the Bangalore District at Bangalore.

2. The usual statement containing the necessary particulars for the preparation of the warrant is also enclosed.

Enclo:
one + 1/16 records
SP
W W 20

I have the honor to be,

SIR,

Your most obedient servant,

20.4.1905
Secretary.

Copied 21/4/05
Examined SP W W 20

mgle 18/4/05

W W 20 SP 18/4/05
17/4/05

G.R.S. 20

4

File No. 259
Serial No. 3

Diary No. of letter replied to

No. J 3808 J/18/5/05
C: 259-3 18/5/05

General and Revenue Secretariat
(Courts)
the 18/5/ 1905

To
The District Magistrate of
Mysore

Date of issue 18/5/05

Signed by Mel: K. d. chairman
de Khaira Ampar

With reference to his letter No. 87
dated the 11th April 1905, regarding
the extradition of one Arthur Ball
undergoing sentence of imprisonment
in the Presidency Jail at Calcutta
he has been requested to enquire
whether the District
Magistrate considers that the
accused should be surrendered to the Mysore
Police for
the offence committed by him in Mysore
even before his release from the
aforesaid jail. In this case, it is
requested
2. A very early reply is requested.

By order,
Secretary

over.

A letter reply to Letter
No. 87 of the District Magistrate
dated XI/4/1905

A Noted that the question
of re-surrender to the British
authorities for undergoing the
remainder of the
current sentence will
arise

SUBJECT.

17/5/05

Gen. 31/111 Courts order 27/5/05

~~189~~ J2411

From H.A. Sparkes Esqr
District Magistrate
Mysore

To
B. Venkatavaradengar Esqr
Secretary to the Govt of Mysore
General & Rev Departts

Dated
Despatched 20th May 1905
Received

General No. 1057
No.

Enclosure No.

States that Arthur Balthazar may be surrendered after his release from the Penitentiary jail at Calcutta.

5

No 1057

District Magistrate office

Mysore Dtd 20 May 1905

To

B. V. Sreekantaradaiengar Esq

Secretary to the Government of Mysore

General and Revenue Department.

Sir

In reply to your docket No. J 3308/C 269-8 dated 18th May 1905 regarding the issue of an Extradition warrant against one Arthur Balthazar undergoing incarceration in the Presidency Jail at Calcutta, I have the honor to state that the may may be surrendered after his release from the said jail. I have not been informed of the date of his release.

I have the honor to be,

Sir,

Your most obedient servant.

H. H. Spoerry

Deputy Commissioner

Mysore District

8 N 58

6

31 5 05

My dear Mr. Ross King

D o

Your letter of the 8th inst. enquiring as to whether the Barbar desire that under section 11 of the Extradition Act Arthur Balthazar now incarcerated in the Presidency Jail at Calcutta

before his release
should be handed over
for trial in Mysore for
the offence committed
in Mysore. It is found
on inquiry that there is
no need for his presence
before he completes his
term in the Calcutta
jail. He may therefore
be given Kindly however
let us know for information
as to when he will be
released

Yours
Sd/- P.N. Krishna Murthy

No 3230 with one file of papers.

8 Pros 6 Pros 8

J 2587

7045

Just Secretariat Secretariat

15.VI.05

15/6/1905

THE RESIDENT MYSORE

BANGALORE.

14th June 1905.

My dear Bowen

With reference to your demi official letter of 30th May 1905, regarding the extradition of Mr. Arthur Balthazar of Arthur Clayton & Co. Calautta, I am desired to state that in reply to a telegram from this office the Superintendent, Presidency Jail, Calcutta has wired that the above individual was released on the 22nd May 1905, after the completion of sentence. Until we know Arthur Balthazar's present whereabouts it seems to be no use moving further in the matter. A wire however has just been sent to the Commissioner of Police, Calcutta, enquiring whether he knows the man's whereabouts, and if so to keep him under observation pending issue of an extradition warrant.

2. In expressing regret at this result and the hope that it

may

9

may not more than temporarily delay the claims of justice, I am to say that it was due in the first instance to our not being clear on the original application (Mr. Venkatavarada Iyengar's letter No.Pol.883 dated 20th April 1905,) whether the Durbar had any precise information as to the length of Balthazar's term of imprisonment or the date of his release.

3. Now that under Section 11 of the Extradition Act of 1903, a convict can be handed over before release, if necessary, it seems useless to issue a warrant for his arrest on release unless it is known that that event will take place within reasonably short time. In future I am to suggest that where immediate extradition of a convict is not wanted but only his arrest on release, the probable date of release should be previously ascertained and communicated to this office in the application for extradition.

4. The original enclosures received with the Durbar's quoted letter in the preceding paragraph are herewith returned.

Yours sincerely

Reading

To

Sir P.N.Krishna Murti K.C.I.E.,

Dewan of Mysore.

8—10

G.R.S. 26]

File No. 259
Serial No. 7

Diary No. of letter replied to

No. g 3644 dt. 20/6/05
c: 259-7
Encl: File of leaders

General and Revenue Secretariat
(Courts.)
, the 20/6/ 1905.

To

The District Magistrate
Mysore

Date of issue 20/6/05

Signed by M.V. K.S. Chandrashekara Aiyar

With reference to the correspondence ending with his letter No. 1057 dt. the 20th May 1905, regarding the extradition of one Arthur Balthazar, accused of an offence punishable under Sec. 420 of the I.P.C., has the honor to state that the 1st Asst. to the Hon'ble the Resident intimates that the accused was released from the Presidency Jail, Calcutta where he was said to be undergoing another imprisonment, on the 22nd idem and that as his present whereabouts are not known there

over.

SUBJECT.

12

No use moving further in the matter, now. but that the Commissioner of Police, Calcutta has been wired to keep the individual under observation, pending the issue of an extradition warrant if his whereabouts are known to him.

2. The original enclosures received with the District Magistrate's letter No. 870 of the 11th April 05 are returned

By. ads

18/8/1905

W.B.O.S. Secretary.

17/8/05

List of enclosures.

Copied by

Examined

MGCPB—5,000—20-5-04

13

G.R.S. 28]

File No.

Serial No. 8

Diary No. of letter replied to ———

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Courts

~~READ.~~

, *the* 20/6/ 1905

Date of issue 20/6/05

Signed by Mr. K.S. Chandrasekhara Aiyar

ORDER ~~THEREON~~.—No. G 3645-53 & C. 259-8 dt 20/6/05

Where a person accused of an offence in Mysore is undergoing imprisonment in British India, the surrender of such person can, under section 11 of the Indian Extradition

over

SUBJECT

Act XV of 1903, be obtained, if necessary, even before his release. Government therefore observe that there is little use in applying for an extradition warrant for his arrest on release, unless it is known that that event will take place within a reasonably short period &c. Cadingly where the immediate extradition of a convict is not required but only his arrest on release, the probable date of release should in future be ascertained and inserted in the application for the extradition.

18/6/1905

Smith

Secretary

Copied by &
Examined by. SN 19/6/05

19/6/05

To
All Dt Magistrates of Districts
Superintendent of Police in Mysore